

**BOARD OF SUPERVISORS
ACTION ITEM**

#3

SUBJECT: STATE AND FEDERAL LEGISLATIVE
REPORT

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: February 18, 2015

STAFF CONTACT: Jeff Gore, Hefty, Wiley, & Gore, PC
Bill Ferguson, The Ferguson Group, LLC
John Sandy, Office of the County Administrator

PURPOSE: To bring forward state and federal legislative issues for the Board of Supervisors deliberation and potential action throughout the year.

BACKGROUND:

State Legislative Report - Hefty, Wiley and Gore, PC

The 2015 Virginia General Assembly Session convened on January 14, 2015 and is scheduled to adjourn after a period of forty-five (45) days on February 27, 2015. At its September 14, 2014 Business Meeting and subsequent meetings, the Board of Supervisors approved a series of state legislative priorities and positions that comprise its 2015 State Legislative Program for the General Assembly Session. The Board also held a November 12, 2014 Public Hearing on its 2015 State Legislative Program and subsequently adopted the program. The priorities, initiatives, and positions found within this document guide the work of the county's contracted legislative liaisons' (Hefty, Wiley, & Gore P.C.) in Richmond in support of the Board of Supervisors.

State Legislative Action Requested: In this item, staff requests that the Board follow-up with formal action with regard to two (2) bills that were presented as part of a February 9th Legislative Decision Memorandum (Attachment 1). The Board was polled on this legislation per established Board policy in 1996. These bills are [SB 877](#) (Cosgrove), a recognition of EMS personnel licensure interstate compact; and [HB 1540](#) (Albo), a bill discussing the Virginia Public Procurement Act (VPPA); job order contracting and cooperative procurement. For the purposes as expressed in the February 9th memo, staff recommended supporting SB 877 but not supporting HB 1540 as currently written.

State Legislative and Budget Information: In addition to these two state issues for action, staff has provided an update on House Appropriations and Senate Finance Subcommittees reports on state budget amendment recommendations to [HB 1400](#) (Jones) and [SB 800](#) (Colgan and Stosch) respectively. Both money committees reported out their respective budgets on February 8. A brief status update is also provided on the bills and budget amendments that have been submitted on behalf of the Board of Supervisors by Loudoun General Assembly delegation members for the current session and other bills of interest which have been filed as of the date of this packet mailing. In future items, the Board will likely be requested to take positions on particular bills or issues of

interest. There is also a brief update with regard to the Board of Supervisors' federal legislative efforts to date.

Please note that throughout the 2015 General Assembly Session and during congressional sessions, there will likely be supplements or addenda to the Board's state and federal legislative report items. These will attempt to capture bills, resolutions, issues, and legislative events that occur beyond the ability for items to be prepared for the bi-weekly business packet mailing deadlines. Depending upon the urgency of the need for Board decisions, as determined by the legislative liaisons, the Board may be polled in accordance with the established policies and procedures. These informal polls are followed by formal votes at the Board's next business meeting.

Federal Legislative Report –The Ferguson Group, LLC

During the months of January and February 2015, the Board of Supervisors' newly contracted federal legislative and relations liaisons, the Ferguson Group, LLC, started their work in earnest on behalf of the Board of Supervisors. They have held scheduling meetings with key staff in the following areas:

- Economic Development
- Fiscal
- Energy, Environment and Water Resources
- Fire, Rescue and Emergency Management
- Human Services
- Law Enforcement/Courts Related Functions
- Public Transportation
- Surface Transportation

The purpose of these meetings was to assist the firm in their knowledge of county agencies and departments; and more specifically their past, present, and future grant solicitation efforts in addition to understanding salient issues (regulation or laws) that will likely be brought forward through the Board's Chair and Vice-chair as a recommendation for the Board's consideration as part of their inaugural federal legislative program. After gathering information from the county agencies and using their knowledge and experience with federal relations and lobbying matters, the Ferguson Group, LLC has provided their recommendations to the Board of Supervisors within this item for the beginnings of the Board's Federal Legislative and Relations Program. These items are ranked by suggested priority based upon conversations with county subject matter experts and other pertinent staff.

Specifically, with respect to the county's past efforts of applying for USDOT TIGER grants, the firm coordinated a meeting between Department of Transportation and Capital Infrastructure (DTCI) staff and the US Department of Transportation officials who determine such grant awards. Information from this meeting has been useful for DTCI staff as they contemplate bringing forward any future TIGER applications subject to Board's approval. The firm met with the Department of Fire, Rescue and Emergency Management with regard to Federal Assistance to Firefighters grants and Urban Areas Security Initiative programs and with law enforcement and courts related officials with respect to Office of Justice Program grant opportunities and the federal forfeiture funds among other subjects. Their meeting with the Human Services agencies was focused on workforce development, affordable housing, and categorical grants. The meeting with the Environment and Water Resources group included concerns with regard to EPA regulations which will and have impacted the county; and a briefing with regard to the Hidden Lane Landfill Superfund site and among other areas. As reported previously, they met with the Department of Economic Development and Visit Loudoun, and with DTCI on both public and surface transportation issues. All of these meetings have

promulgated the development of a proposed project development document with prioritization for the Board's consideration and approval.

Federal Program Action Requested: The Ferguson Group's goal was to develop the makings of a recommended federal agenda for the Board of Supervisors' adoption in order to guide their work during the 114th Congress and the Executive Branch – see Attachment 2 and the summary table within this item. The federal relations firm's work will be directed the same way as the state relation's firm, utilizing the Chair and Vice-Chair as a conduit to the Board of Supervisors when certain issues require a Board of Supervisors position and/or action. This prevents staff from moving forward with any issues with the federal relations firm without Board of Supervisors approval or consent. The county's policies and procedures with respect to grants will be followed as normal.

WITHIN THIS ITEM:

Section 1: two (2) State Legislative items (bills) for action (**Action Requested**)

Section 2: proposes a list of Loudoun's Federal Issues in priority order (**Action Requested**)

Section 3: provides an information update on the State budget. (**Information Only**)

Section 4: includes a status update on the General Assembly bills as requested within the Boards 2015 Legislative Program. (**Information Only**)

Section 5: provides a list of General Assembly bills that are for the Board of Supervisors' information only and those that match the Board's existing positions. (**Information Only**)

Throughout this item, the actual state bill language may be found using the embedded links to the [Virginia Legislative Information System](#): 2015 General Assembly Session.

SECTION 1: STATE LEGISLATIVE ITEMS FOR ACTION

1. SB 877 (Cosgrove) RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (Action Requested)

Summary: Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensuring of accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

Analysis: SB 877 would permit Virginia to enter into a compact with other states in order to facilitate the day-to-day movement of EMS career and volunteer personnel across state borders in the performance of their EMS duties during periods of “non-declared” emergencies. This compact would enhance current capabilities provided under reciprocal mutual aid agreements.

As a matter of practice, EMS personnel from Loudoun County are routinely dispatched into Maryland and West Virginia to assist with patient care. While mutual aid agreements are in place to govern response out of Loudoun County, regulations for patient care and transport vary from state to state. Virginia currently does not have mutual aid agreements with other states which would allow EMS personnel to transport patients into other states under their Virginia EMS certification if the origin of the transport is in Virginia.

On August 13, 2014 the Council of State Governments (CSG) passed a resolution supporting the establishment of Recognition of EMS Personnel Licensure Interstate Compact (REPLICA). The resolution stated, “*the use of the interstate compact mechanism to address interstate emergencies and declared disasters is well established with interstate agreements such as the 50-state Emergency Management Assistance Compact and the regional Forest Fire Protection Compacts.*” Furthermore, “*The Council of State Governments (CSG), through its National Center for Interstate Compacts, and in partnership with the National Associations of State EMS Officials (NASEMSO), with the support of the U.S. Department of Homeland Security has facilitated the development of the Recognition of EMS Personnel Licensure Compact (REPLICA) as a 50-state solution to this challenging policy issue. The Council of State Governments supports the establishment of the Recognition of EMS Personnel Licensure Compact (REPLICA) and encourages its member jurisdictions to consider the new interstate agreement as an innovative policy solution to the challenge of interstate EMS personnel emergency and life-saving operations.*” In addition, attached is the full Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

The compact would clarify that EMS personnel are recognized to practice in other states that are members of the compact and help resolve the confusion concerning ability to practice, use of medical treatment protocols, medical direction, requirements to hold multiple EMS licenses/certifications, etc. Additionally, compacts are governed by the tenets of contract law and provide states an enforceable, sustainable and durable tool capable of ensuring permanent change, whereas mutual aid agreements, due to their local nature, are subject to vulnerability in these areas. According to the CSG, “under the terms of the new agreement, member states would agree to honor other jurisdictions’ licenses as long as the license is issued in another member state in a manner consistent with the new compact. The new compact also allows member states to self-regulate the existing

system for licensing emergency medical personnel, while simultaneously promoting license portability.” LC-CFRS Chief Brower supports this bill and makes a similar recommendation to the Board of Supervisors.

DRAFT MOTION FOR SB 877:

I move that the Board of Supervisors support SB 877 and similar legislation that if enacted would allow EMS personnel to provide care and transportation to patients outside of Virginia and allow other states to provide the same services to Virginians.

-or-

I move an alternate motion.

2. [HB 1540](#) (Albo) VIRGINIA PUBLIC PROCUREMENT ACT (VPPA); JOB ORDER CONTRACTING AND COOPERATIVE PROCUREMENT (Action Requested)

Summary as Introduced: Clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of providing professional architectural or engineering services that constitute the practice of architecture or the practice of engineering; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job and (b) no more than 25 percent of the construction cost, not to exceed \$60,000, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill removes the provision that allows a public body to discuss nonbinding estimates of total project costs, life-cycle costing, and, where appropriate, nonbinding estimates of price for services. The bill provides that negotiations may be held on proposed terms and conditions set out in the Request for Proposal. The bill also clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity; public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005; any state agency utilizing job order contracting; and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies working cooperatively, report their respective experiences and findings relating to (1) the appropriateness and effectiveness of job order contracting in general, (2) the project cost limitations set forth in subsections B and D of § 2.2-4303.1 as added by this bill, and (3) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions

shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments.

Analysis: Professional services include accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Currently the law provides that public bodies cannot ask for price in proposals. The locality chooses candidates to interview based solely on qualifications. At the discussion stage, they ask for non-binding estimates of cost for the project. The proposals are then ranked and negotiations begin with the highest ranked vendor. Architects and engineers have requested this legislation that prohibits public bodies from asking for price information. Therefore, localities would be forced to rank and interview the candidates with no price information.

Staff believes removing non-binding cost estimates from the shortlist stage is likely not in the best interest for the use of public funds and not having the ability to review costs at the discussion stage is problematic for the procurement process. This new process could cause delays due to the inability to negotiate with more than one firm concurrently. The requirement to exhaust all negotiations with the apparent top ranked firm before moving to the next firm will add time and demand more resources.

It is important to note that Loudoun County government has never used pricing as the sole deciding factor in selection of an architectural/engineering firm, or any other professional service. The county's requests for proposals (RFPs) have always been structured so that cost is just one factor, and not necessarily the most heavily weighted. However, in an A/E RFP process where Loudoun receives approximately 20-30 proposals and any one of shortlisted firms is qualified to do the work, it is helpful to be able to have that nonbinding cost to include as part of the final decision making process. This is especially true when selecting multiple A/E firms for a task order contract. Furthermore, reviewing non-binding cost estimates during the shortlist stage can assist staff in determining if a firm has appropriately evaluated the scope of the project by including all necessary components in their fees.

DRAFT MOTION FOR HB 1540:

I move that the Board of Supervisors oppose HB 1540 and similar legislation that if enacted would prevent non-binding cost estimates from the shortlist stage for professional services procurements.

-or-

I move an alternate motion.

SECTION 2: FEDERAL LEGISLATIVE ITEMS FOR ACTION

After numerous meetings with staff and receiving a better understanding of what has been the Board's discussions to date with regard to federal issues, the Ferguson Group, LLC has made recommendations on what they believe are the areas of focus should be for the Board as part of their inaugural federal relations program—see table below. See full description and detail in [Attachment 2](#).

FERGUSON GROUP, LLC		
SUMMARY OF RECOMMENDED FEDERAL ACTIVITIES/ PROPOSED PRIORITIES		
1.	Economic Development	
1.	GSA Administration Per Diem Designation	Change area to benefit Loudoun hotels/motels
2.	FAA Perimeter Rule Exemptions (DCA)	Change rule/limit the # of exemptions for DCA
3.	Agricultural Development/Agri-Business	Modify certain regulations & expand opportunities
4.	Foreign Senior Executives & Specialists Permits	Streamline process/add permits to benefit Loudoun
2.	Transportation	
1.	Transportation Reauthorization (MAP-21)	Advocate priorities & support reauthorization passage
2.	TIGER Grant	Apply and secure funding
3.	WMATA Funding	Support increased & continued funding
4.	MWAA Board of Directors	Support changes in composition to incl. local elected
5.	Other Transportation Issues/Needs to Monitor	See listing (Attachment 2)
3.	Fire, Rescue and Emergency Management	
1.	FY15-FY16 Appropriations & Competitive Grants	Advocate & pursue grant opportunities
2.	Building Safety	Support incentive based legislation & local options
3.	Environmental Regulations	Actively monitor regs./oppose unfunded mandates
4.	Volunteer Opportunities	Support legis. & delineate regs. (employee/vols.)
4.	Law Enforcement, Community Corrections and Courts	
1.	Body Cameras: Sheriff's Office	Stop unfunded mandates/advocate funding/grants
2.	Asset Forfeiture: Sheriff's Office	Protect current program as currently allowed
3.	Technology/Interoperability: Clerk of the Circuit Ct..	Advocate & pursue any grant opportunities
5.	Environment, Energy and Water Resources	
1.	Hidden Lane Superfund Site	Provide guidance & recommended strategies
2.	Chesapeake Bay Watershed	Monitor/provide advice & advocacy/grant opports.
3.	Waters of the United States Regulation	Keep county informed of regulatory process
4.	Water/Wastewater Infrastructure	Advocate & explore grant opportunities
5.	FEMA Flood Mapping	Keep county informed & provide info on CRS
6.	Human Services	
1.	Disability Services: Transit	Grant funding opportunity/Facts Sheet provided
2.	Disability Services: Housing	Seek funds for units/pursue tax credits for builders
3.	Disability Services: Website Requirements	Oppose unfunded mandate & seek funds
4.	Family Services: Housing & Homeless Prevention	Advocate for funding & support grant solicitations
5.	Mental Health/Substance Abuse & Disability Svcs.	Advocate for funding & support grant solicitations
6.	Health: FY15-FY 16 Approps. & Competitive Grants	Advocate for funding & support grant solicitations
7.	Health: Cost Recovery in Health Emergencies	Advocate for funding & support grant solicitations
8.	PRCS: FY15-FY16 Approps. & Competitive Grants	Advocate for funding & support grant solicitations
9.	PRCS: Volunteer Background Checks	Research federal requirements/seek funded mandate
7.	Fiscal	
1.	Tax-Exempt Municipal Bonds	Advocate for preservation of tax-exempt status
2.	Creation of Qualified Public Infrastructure Bonds	Support proposal as a tool for localities
3.	Marketplace Fairness Act	Support reintroduction & passage

DRAFT MOTION FOR RECOMMENDED FEDERAL ISSUES/PRIORITIES:

I move that the Board of Supervisors adopt the proposed federal issues and priorities as recommended by the Ferguson Group, LLC as part of the Board's inaugural federal relations program and to serves as the firm's work plan.

-or-

I move an alternate. motion.

SECTION 3: STATE BUDGET UPDATE

1. State Aid to Education

Summary: This section includes the total state aid to education for Loudoun County Public Schools (LCPS) as appropriated in the competing versions of the state budget—Governor, House Appropriations, and Senate Finance. Please note that these numbers are for illustrative purposes and order of magnitude only. The exact LCPS numbers will vary slightly as noted below.

STATE AID FOR EDUCATION ESTIMATED DISTRIBUTION FOR LOUDOUN	
	<u>FY 2016</u>
House Appropriations	\$293,879,933 (Estimated HB 1400 Distribution)
Governor McAuliffe	<u>\$291,481,750</u> (see note)
Delta	+\$2,398,183
Senate Finance	\$293,775,883 (Estimated SB 800 Distribution)
Governor McAuliffe	<u>\$291,481,750</u>
Delta	+\$2,294,133
House Appropriations	\$293,879,933 (Estimated HB 1400 Distribution)
Senate Finance	<u>\$293,775,883</u> (Estimated SB 800 Distribution)
Delta	+\$104,050

Notes: Any difference between the Governor's budget numbers for Loudoun per the Virginia Department of Education and LCPS as Adopted in January 2015 is due to differences in student population estimates, sales tax levels and state revenue cafeteria sales. These deltas are for illustrative purposes only and will likely differ to a certain degree. The LCPS estimated nearly \$288.5M in state revenue for FY 2016 using their ADM figures etc.

2. House Appropriation & Senate Finance Subcommittees Reports on [HB 1400/SB 800](#)

On February 8, 2015 the House Appropriations Subcommittees and Senate Finance Subcommittees released their reports on budget amendment recommendations for HB 1400 (Jones) and SB 800 (Colgan and Stosch) respectively. The tables below published by the Virginia Municipal League (VML) shows in terms of raw numbers; the two budget plans are not too different.

Item	House Biennial Totals	Senate Biennial Totals
Unappropriated balance in budget bill	\$7,634,124	\$7,634,124
Changes to resources	\$384,010,389	\$420,625,065
Net spending	\$379,041,814	\$422,328,282
New unappropriated balances	\$4,968,575	\$5,930,907

According to VML, the two plans are similar but vary within each category.

Item	House Biennial Totals	Senate Biennial Totals
Adjust judicial vacancy savings	(\$500,000)	\$5,679,640
Mid-session revenue forecast	\$378,000,000	\$429,951,000
Long-term care deduction*	(\$9,400,000)	<i>Accepted governor's proposal</i>
Sales tax holiday consolidation*	(\$2,600,000)	<i>Accepted governor's proposal</i>
Land conservation deductions	(\$500,000)	<i>Accepted governor's proposal</i>
Accelerated sales tax collections*	(\$10,200,000)	<i>Accepted governor's proposal</i>
<i>* McAuliffe proposed tax policy change</i>		

The following is a compilation of budget amendments as reported from House Appropriations Subcommittees and Senate Finance Subcommittees. This list is not comprehensive but includes those amendments that may have, or may likely have specific impacts to Loudoun County. Areas shaded in “green” either comport, or are contrary with previously adopted Board positions as noted.

Program	House	Senate	Explanation
Compensation/Retirement			
Deputy Sheriff Salary and Unfunded Mandate	<u>(\$851,690)</u> GF (FY 2015-2016) Board supports Compensation Board increases for Constitutional Officers	<u>Language</u> Board supports Compensation Board increases for Constitutional Officers	House & Senate amendments protect the proposed salary increase for entry-level deputy sheriffs. It also removes an unfunded salary mandate beginning in FY 2017 for cities and counties w/Sheriff's Depts.
Direct Aid to Public Education	<u>\$25,000,000</u> (FY 2015-2016)		This amendment provides \$25.0 million in the second year from additional Literary Fund revenues from the sale of old unclaimed stocks to teacher retirement costs.
Salary Increase for State-Supported Local Employees	<u>\$121,052,461</u> GF (FY 2015-2016) Board supports Compensation Board increases for Constitutional Officers	<u>\$93,164,608</u> GF (FY 2015-2016) Board supports Compensation Board increases for Constitutional Officers	The House amendment provides for a 2% salary increase for state and state supported local employees. The Senate amendment provides \$84.3 million in the second year in support of the general fund share of a 3%. (Note: the amounts shown include other purposes).
Salary Increase for Teachers	<u>\$55,017,912</u> GF (FY 2015-2016)	<u>\$50,409,472</u> GF (FY 2015-2016)	Both House and Senate set up funds to pay the state share of a 1.5% salary increase for teachers. Note: any increase in teachers' salaries provided by the state requires a local tax fund component (i.e. shared services)
Unfunded Teacher Liability	<u>(\$2,422,087)</u> GF <u>\$40,000,000</u> NGF (FY 2015-2016)	<u>(\$2,422,083)</u> GF <u>\$37,193,264</u> NGF (FY 2015-2016)	In addition to the Governor's proposed \$150 million payment, the House includes an additional \$40 million deposit and the Senate includes an additional \$37.2M.
Economic Development			
Enterprise Zone Grant	-	<u>\$250,000</u> GF (FY 2014-2015) <u>\$400,000</u> GF (FY 2015-2016)	The Senate amendment restores a proposed cut to the Enterprise Zone Grant Program at the Department of Housing and Community Development.

Program	House	Senate	Explanation
Governor's Opportunity Fund (GOF)	- Board Supports	(\$4,419,600) (FY 2015-2016)	<u>House supported Governor's request for \$20.7 million in funding.</u> Senate reduces funding for the GOF by \$4.4 million GF the first year.
Elections			
Voting Equipment	(\$1,610,333) GF (FY 2015-2016) (\$28,000,000) NGF Board opposes language that does not reimburse counties	(\$1,610,333) GF (FY 2015-2016) (\$28,000,000) NGF Board opposes language that does not reimburse counties	Both House and Senate remove language to require localities to replace existing voting equipment with approved voting equipment, using bond proceeds. Also remove language to reimburse localities that have already purchased compliant equipment.
Environment			
Lyme's Disease	Language Board supports	Language Board supports	House and Senate direct the Secretary of Agriculture and Forestry to convene a task force to identify high areas of Lyme disease concentration, determine costs of implementing a prevention program and how those costs could be covered.
Stormwater Local Assistance Fund	-	\$10,000,000 NGF (FY 2015-2016)	Senate amendment provides \$10.0 million in VPBA bond proceeds in the second year for the Stormwater Local Assistance Fund.
General Government			
Rainy Day Fund	\$99,500,000 GF (FY 2014-2015)	\$134,000,000 GF (FY 2014-2015)	House amendment appropriates \$99.5 million and the Senate appropriates \$134.0 million from the general fund in the first year in a reserve account for the expected rainy-day fund deposits in the 2016-2018 biennium.
Reversion of "Local Aid to the Commonwealth"	-	\$29,840,738 GF (FY 2015-2016) Board supports	Senate amendment eliminates the Aid to Local Government Reversion Clearing Account.
Health and Human Services			
Comprehensive Services For At-Risk Youth And Families	\$7,342,465 GF (FY 2015-2016)		House restores \$7.3 million from the general fund in the second year to the Comprehensive Services Act Program, based on a plan to expand foster care and adoption subsidies to children ages 19 to 21

Program	House	Senate	Explanation
Foster Care and Adoption Assistance	(\$10,581,962) GF (\$10,102,477) NGF (FY 2015-2016)		House eliminates \$10.6 million from the general fund and \$10.1 million from nongeneral funds the second year for the Department of Social Services to expand foster care and adoption assistance to children between the ages of 19 and 21 that was contained in the introduced budget.
Medicaid Expansion	Language Board supports removal of language	Language Board supports removal of language	Both the House and Senate remove the language in the introduced budget that would expand the Medicaid Program pursuant to the Affordable Care Act.
Higher Education			
Lyme's Disease Research and Testing	-	\$125,000 GF (FY 2015-2016) Board supports	Senate provides \$125,000 GF the second year for Lyme Disease research and medical test development at George Mason University.
Housing			
Rapid Re-Housing	(\$500,000) GF (FY 2015-2016)	(\$500,000) GF (FY 2015-2016)	Both the House and Senate remove \$500,000 of the proposed \$1 million to go towards rapid re-housing for homeless veterans.
Public Safety			
Jail Per Diems	\$2,498,446 GF (FY 2014-2015) Board supports	\$2,498,446 GF (FY 2014-2015) Board supports	Both the House and Senate provide \$2,498,446 the first year from the general fund to cover the anticipated shortfall in jail per diems for the current fiscal year 2015.
Sex Offenders and Crimes Against Minors Registry	-	\$23,040 GF (FY 2015-2016) Board supports <i>(this funds Robby's Rule registry)</i>	Senate provides \$23,040 the second year from the general fund to establish a supplement to the Sex Offenders and Crimes Against Minors Registry that would include information on persons convicted of certain sexual offenses on or after July 1, 1980, and before July 1, 1994, who are not currently on the registry.
Taxes and Fees			
Device Weights & Measures Inspection Fee	Language	Language	House and Senate amendments remove language authorizing the imposition of a \$10.00 per device weights and measures inspection fee.

Program	House	Senate	Explanation
Restaurant Fees	Language	Language	House and Senate amendments modify language in the introduced budget to maintain restaurant annual permit renewal fees at \$40. The introduced budget proposed to increase these fees to \$285.
Retail Sales and Use Taxes on Accommodations	Language Board opposes language to not expand		House amendment eliminates language that would expand the application of the retail sales and use tax and local transient occupancy taxes regarding hotels, motels, and other accommodations to include markup charges imposed by online travel companies and other third-party intermediaries.
Sales Tax Holiday	Language		House amendment removes language that would combine the three existing sales tax holidays in one, three-day annual holiday on the first weekend of August.
Treasurer's Reimbursement	Language	Language	House and Senate amendments restore language adopted in the 2014 Appropriation Act regarding the policies for reimbursing treasurers who contract with Commonwealth Attorneys to collect delinquent fines and fees.
Veterans			
Northern Virginia and Hampton Roads Veterans Care Centers		\$190,597,832 NGF (FY 2015-2016)	Senate amendment provides funding of \$67.0 million in VPBA bond proceeds for the Northern Virginia and Hampton Roads Veterans Care Centers.

SECTION 4: STATUS UPDATE ON BOARD'S LEGISLATIVE INITIATIVES (No Action Requested)

The following show the Chief Patrons, the statuses of the priority initiatives set forth by the Board of Supervisors.

- Cost of Competing Adjustment** - Seek and support the full restoration of the Northern Virginia cost of competing funding for teachers and support staff in the state's FY 2015-FY 2016 biennial budget. [136 #10h](#) (Greason) / [136 #20h](#) (Ramadan) / [136 #3s](#) (Black) / [136 #4s](#) (Vogel Co-Patron) / [136 #5s](#) (Wexton, Favola Co-Patron)

2. General Assembly Districts; Technical Adjustments [SB 1084](#) (Vogel)

Summary:

Changes district assignments of certain Loudoun County census blocks between Senate Districts 13 and 33 and House of Delegates Districts 10, 32, 33, 67, and 87 in order to follow new precinct boundaries. Both Senate districts remain within two percent deviation and all House of Delegates districts remain within one percent deviation from the respective ideal district populations.

[SB 1084](#) *Status:*

01/13/15 Senate: Referred to Committee on Privileges and Elections

01/20/15 Senate: Reported from Privileges and Elections (8-Y 7-N)

01/26/15 Senate: Read third time and passed Senate (23-Y 16-N)

01/26/15 Senate: Reconsideration of passage agreed to by Senate (39-Y 0-N)

01/26/15 Senate: Passed Senate (21-Y 18-N)

01/30/15 House: Referred to Privileges and Elections

3. Virginia Public Procurement Act; Job Order Contracts and Design Professional Contracts [HB 1637](#) (Minchew)

Summary:

Increases the project amounts for job order contracting (JOC) from \$400,000 to \$500,000 for single task orders and from \$2 million to \$4 million for the sum of all projects performed in a one-year contract term. The bill also (i) decreases the population threshold for localities for the procurement of architectural and engineering services from 80,000 to 78,000 and (ii) increases the single project limit for architectural and engineering services for such localities from \$2 million to \$2.5 million and the aggregate limit for projects performed in a one-year contract term from \$5 million to \$10 million.

[HB 1637](#) *Status:*

01/08/15 House: Referred to Committee on General Laws

01/15/15 House: Assigned GL sub: Subcommittee #2

01/27/15 House: Subcommittee recommends reporting with amendment(s) (6-Y 1-N)

02/09/15 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)

02/10/15 Senate: Referred to Committee on General Laws and Technology

4. Tangible Personal Property Tax Relief; Reimbursement Payments to Localities. [HJ 590](#) (Ramadan)

Summary:

Requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief.

[HJ 590](#) *Status:*

01/12/15 House: Referred to Committee on Rules

01/27/15 House: Assigned Rules sub: Studies

01/29/15 House: Tabled in Rules sub: Studies

5. Study; Performance of the Communications Sales and Use Tax; Report [HJ 635](#) (LaRock)

Summary:

Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.

[HJ 635](#) Status:

01/14/15 House: Referred to Committee on Rules

01/27/15 House: Assigned Rules sub: Studies

01/29/15 House: Subcommittee recommends reporting (3-Y 1-N)

02/06/15 House: Reported from Rules (14-Y 0-N)

02/09/15 House: VOTE: ADOPTION (85-Y 4-N 3-A)

02/10/15 Senate: Referred to Committee on Rules

**SECTION 5: BILLS FOR THE BOARD OF SUPERVISORS INFORMATION ONLY
(No Action Requested)**

The following bills as of the date of this packet mailing (February 12, 2015) are under staff review and are being actively monitored by Hefty, Wiley and Gore, PC. Some of these bills depending upon staff review may be recommended for future Board positions as part of an addendum to this item, or at future business meetings. **Number 18** under this section provides the Board those bills that staff believes fall under the Board's existing positions. Any items that are **grey** have been incorporated, tabled, failed to report, continued, or defeated as of the date of the packet mailing.

1. Administration of Government/Public Procurement/FOIA

[HB 1383](#) (Morris) Removal of certain local government appointees, certain; serve at the pleasure of local governing body

[HB 1404](#) (Head) Business permit, license, etc.; timely response by localities

[HB 1405](#) (Head) Legal notices; advertisement by locality

[HB 1409](#) (R. Marshall) Public contracts; nondiscrimination; required provisions

[HB 1437](#) (D. Bell) Prayer at public events; authority to adopt an ordinance to allow

[HB 1438](#) (D. Bell) Local government; publication of notices for charter changes, referenda and public hearings, etc.

[HB 1608](#) (Davis) Local government; prohibits practices that would require contractors to provide benefits

[HB 1628](#) (Albo) Virginia Public Procurement Act; contract modification

[HB 1646](#) (Pogge) Virginia Freedom of Information Act; proceeding for enforcement

[HB 1703](#) (Morefield) Virginia Public Procurement Act; small purchase procedure for construction

[HB 1835](#) (Gilbert) Virginia Public Procurement Act (VPPA); methods of procurement.

[HB 1917](#) (LeMunyon) Certain contracts between governmental agencies prohibited.

[HB 2223](#) (Morris) Virginia Freedom of Information Act; willful and knowing violations of certain provisions, penalty.

[SB 841](#) (Lucas) Ordinances; adoption by counties, notice by publication

[SB 863](#) (Chafin) Virginia Public Procurement Act; small purchase procedure for construction

[SB 969](#) (Ruff) Virginia Freedom of Information Act (FOIA); exception to open meeting requirements.

[SB 987](#) (Garrett) Virginia Public Procurement Act; bid match preference for Virginia Businesses
[SB 1256](#) (Smith) Advertisement of legal notices by localities.
[SB 1299](#) (McEachin) Public procurement; products manufactured in the United States.
[SB 1371](#) (Ruff) Virginia Public Procurement Act (VPPA); methods of procurement; job order contracting

2. Assembly Session Schedule

[HJ 523](#) (Cox) General Assembly; 2015 Session schedule.
[HJ 524](#) (Cox) General Assembly; establishes 2016 Regular Session prefilng schedule.

3. Animal Welfare

[HB 1586](#) (Kory) Community cat programs
[SB 693](#) (Martin) Trap, Neuter, and Return activity.
[SB 699](#) (Stanley) Community cat programs.
[SB 1001](#) (Stanley) Dogs or cats; sale and procurement prohibited on or in a roadside, parking lot, etc

4. Budget

[HB 1400](#) (Jones) Budget Bill
[SB 800](#) (Colgan, Stosch) Budget Bill

5. Courts

[SB 736](#) (Howell) Courthouse and courtroom security; increases assessment.

6. Economic Development

[HB 1556](#) (Farrell) Economic development, local; revenues from certain taxes for qualified locality
[HB 1726](#) (Rasoul) Enterprise zone real property; investment grants.
[HB 1740](#) (Hodges) Enterprise Zone Grant Program; zones limited in county/city to an aggregate of 10 square miles.
[HB 1756](#) (James) Tourism zones; tax revenues for tourism projects.
[HB 1760](#) (James) Hampton Roads Transportation Accountability Commission; local representation.
[HB 1799](#) (Greason) Innovation and Entrepreneurship Investment Authority; powers, report
[HB 1842](#) (James) Virginia Investment Partnership Act; certain performance and incentive grants.
[HB 1844](#) (James) Major business facility; job tax credit to spread over two years per qualified full-time employee.
[HB 2160](#) (Hugo) Sales and use tax exemption; computer equipment and software used in certain data centers.
[SB 807](#) (Stanley) Corporate income tax; lower rate for certain businesses
[SB 808](#) (Stanley) Building Revitalization Grant Fund; established, report
[SB 809](#) (Stanley) Industrial parks, local; DHCD to develop a program for certification of parks.
[SB 975](#) (Ruff) Tourism zones; tax revenues for tourism projects.
[SB 991](#) (Dance) Virginia Tourism Growth Incentive Fund; established, report.
[SB 1144](#) (Garrett) Local economic development.

[SJ 242](#) (Ruff) Study; Virginia Economic Development Partnership Authority; high growth companies.

7. Education/Schools

[HB 324](#) (Bell) Virginia Virtual School established.

[HB 1361](#) (Bell) Virginia Virtual School established.

[HB 1550](#) (Greason) School calendar; local school boards responsible for setting

[HB 2302](#) (Murphy) Full-day kindergarten program plans

[HJ 514](#) (Webert) Study; Department of Education; effect of local use value assessment of certain real estate.

[SB 727](#) (Black) Eliminate A-F School grading system.

[SB 803/HB 1531](#) (Favola)(Minchew) Speed limits in school zones; counties allowed to increase or decrease

[SB 823](#) (Miller) Public schools; physical activity requirement

[SB 842](#) (Lucas) School budget; preparation and approval by county

[SB 1112](#) (Barker) Public schools; kindergarten instructional time.

8. Elections

[HB 1292](#) (Cole) Electoral Boards; appointments.

[HB 1300](#) (Ware) Elections; costs of primaries; reimbursement to localities.

[HB 1301](#) (Ware) Electoral Board members and general registrars; competition and expense.

[HB 2142](#) (Yancey) Voting systems; use of direct recording electronic machines.

[SB 827](#) (Miller) Voting systems; use of direct recording electronic machines on and after July 1, 2016

[SB 1076](#) (Vogel) Elections; date of June primary elections

9. Employment, Benefits, Retirement

[HB 1316](#) (Toscano) Virginia Retirement System; average final compensation.

[HB 1486](#) (Habeeb) Workers' compensation; exclusivity of remedy

[HB 1659](#) (Rust) Virginia Retirement System benefit

[HB 1744](#) (Hugo) Local employee grievance procedure; final step in procedure adopted by local government.

[SB 687](#) (Marsden) Virginia Retirement System; limitations on average final compensation.

[SB 785](#) (McEachin) Public employment; prohibits discrimination based on basis of sexual orientation or gender identity.

[SB 866](#) (Chafin) Health insurance; school board allowed to elect to have employees & retirees to receive state plan

[SB 977](#) (Ruff) Virginia Sickness and Disability Program; open enrollment period.

[SB 978](#) (Ruff) Virginia Retirement System; participation in Plan One.

[SB 1022](#) (Colgan) Virginia Retirement System benefits.

[SB 1075](#) (Vogel) State health plan; participation by local school divisions.

[SB 1391](#) (Marsden) Correctional Officer Procedural Guarantee Act

10. Environment/Land Use/Agriculture/Zoning and Property Maintenance

[HB 1381](#) (Fowler) Fees for testing and monitoring of land application of industrial wastes.
[HB 1424](#) (D. Marshall) Virginia Water and Waste Authorities Act; delinquent payment.
[HB 1446](#) (D. Marshall) Clean energy; financing programs, development of underwriting guidelines.
[HB 1475](#) (Ware) Natural gas utilities; recovery and deferral of system expansion infrastructure costs.
[HB 1488](#) (Pogge) Conservation easements; tax benefits; disputes over terms.
[HB 1594](#) (Cole) Outdoor advertising; regulation by county governing bodies.
[HB 1650](#) (Villanueva) Renewable energy property grants.
[HB 1652](#) (Simon) Local government; notice of commercial application of pesticides.
[HB 1708](#) (R.Marshall) Certain industrial uses; transmission lines.
[HB 1804](#) (Knight) Onsite sewage systems; validity of certain septic tank permits.
[HB 1870](#) (Bulova) Ground water management area; withdrawal permits.
[HB 1924](#) (Hodges) Eastern Virginia Groundwater Management Advisory Committee established.
[HB 1973](#) (Preston) Local limitations on number of certain businesses.
[HB 2191](#) (Hope) Payday loan offices/motor vehicle title loan offices; distance from casino or military installation.
[HB 2227](#) (Webert) Stormwater management; small agricultural structures, impervious cover
[HJ 587](#) (DeSteph) Stormwater regulations; impact on high water table area, report.
[HJ 623](#) (Hodges) Study; JLARC to study groundwater resources; report.
[SB 726](#) (Cosgrove) Cash proffer for residential construction; sunset date.
[SB 801](#)/[HB 1665](#) (Watkins)/(Minchew) Financing of clean energy programs; development of underwriting guideline.
[SB 890](#) (Peterson) Zoning ordinance; vehicle title loan businesses and payday lenders.
[SB 1011](#) (Stuart) Cash proffers; purchase of development rights by locality.
[SB 1047](#) (Hanger) Stormwater utility fee; waiver.
[SB 1065](#) (Obenshain) Cash proffer for residential construction; sunset date.
[SB 1201](#) (Wagner) Stormwater; municipal separate storm sewer system permittees; dredging.
[SB 1202](#) (Wagner) Clean Power Plan; preparation of state implementation plan.
[SB 1257](#) (Smith) Cash proffers; acceptance by localities.
[SB 1334](#) (Chafin) Electric utilities; cost recovery
[SB 1355](#) (Reeves) Local planning commission; action on proposed plat
[SJ 272](#) (Norment) Study; JLARC to study groundwater resources; report.
[SJ 273](#) (Wagner) Study; DEQ to study 'double-counting' of benefits of EPA Clean Power Plan.

11. Ethics

[HB 1667](#) (Bulova) State and Local Government Conflict of Interests Act; General Assembly conflicts of Interests
[HB 1689](#) (Minchew) Conflict of Interests Act, State and Local Government and General Assembly; prohibited gifts.
[HB 1690](#) (Simon) Campaign Finance Disclosure Act; unlawful conversion of campaign contributions to personal use.
[HB 1947](#) (McClellan) State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests.
[HB 2070](#) (Gilbert) State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.

[SB 696](#) (Peterson and Stuart) Conflict of Interests Act; certain gifts prohibited; penalties
[SB 735](#) (Marsden) General Assembly Conflicts of Interests Act; prohibited conduct related to travel
[SB 1026](#) (Garrett) Lobbyist disclosure; reporting by certain political subdivisions.\

[SB 1267](#) (Edwards) State and Local Government Conflict of Interests Act/General Assembly Conflicts of Interests Act.

[SB 1278](#) (Wexton) State and Local Government Conflict of Interests Act/General Assembly Conflicts of Interest Act.

12. Health/Human/Social Services

[HB 1365](#) (Campbell) Discharge from state hospitals or training centers; local departments of social services.

[HB 1441](#) (D. Bell) Child abuse or neglect, suspected; person required to report, training program required

[HB 1456](#) (Adams) Reports of substance abuse by a pregnant woman; child-protective services

[HB 1527](#) (Berg) Child abuse or neglect; mandatory reports involving sexual offenses

[HB 1558](#) (Rust) Adult fatality review teams, local and regional; created, penalty.

[HB 1918](#) (LeMunyon) Public assistance; determining eligibility.

[HB 1929](#) (Anderson) Licensure of family day homes.

[HB 2023](#) (BaCote) Child care subsidy; license required.

[SB 780](#) (Favola) Family day homes; licensure

[SB 818](#) (Favola) Family day homes; licensure by Department of Social Services

[SB 844](#)/[HB 1517](#) (Locke)/(Ward) Child day programs; exemptions from licensure.

[SB 867](#) (Chafin) Battery against certain local social services workers; penalty

[SB 898](#) (Favola) Family day homes, unlicensed and unregistered; notice to DSS, background check

[SB 967](#) (Favola) Extended Foster Care Services and Support; created.

[SB 970](#) (Ruff) Child support; DSS to serve notice of administrative support order.

[SB 1029](#) (Marsden) Child day centers and family day homes; report to Department of Social Services.

[SB 1041](#) (Hanger) Community policy and management teams.

[SB 1054](#) (Hanger) State Executive Council for Comprehensive Services for At-Risk Youth and Families; regulations.

[SB 1124](#) (Barker) Licensure of family day homes.

[SB 1151](#) (Wexton) State and local advisory team; membership.

[SB 1300](#) (Newman) Training centers; prohibition of closure.

13. Miscellaneous

[HB 1865](#) (Kilgore) Local fiscal impact bills; first day introduction.

[SB 1140](#) (Garrett) Local fiscal impact bills; first day introduction.

14. Public Safety

[HB 1274](#) (Farrell) Electronic devices; search without a warrant prohibited.

[HB 1308](#) (Marshall) Right to privacy in electronic communications; confidential relationship; penalty; civil action.

[HB 1348](#) (Carr) Telecommunication records; warrant requirement, prohibition on collection by law enforcement.

[HB 1349](#) (Carr) Search of electronic device without warrant prohibited.

[HB 1355](#) (Ramadan) Photo monitoring; use of systems to enforce traffic light signals, appeals.

[HB 1403](#) (Hope) Prisons; telephone systems; Prisoner Reentry Fund established

[HB 1520](#) (Lindsey) Duties of sheriffs, local police, and State Police.

[HB 1521](#) (Lindsey) Use of body-worn camera system by law enforcement

[HB 1528](#) (Berg) Government Data Collection and Dissemination Practices Act; limitation on collection

[HB 1553](#) (D. Marshall) Emergency notifications, local; any locality may by ordinance

[HB 1670](#) (Berg) Sheriffs; chief law-enforcement officer of locality.

[HB 1688](#) (Minchew) State Comptroller; deposit of fines and fees for violation of local ordinances.

[HB 1693](#) (Bell) Civil admission process; alternative transportation.

[HB 1765](#) (Loupassi) Sheriffs; immunity for actions of deputy.

[HB 2215](#) (Rush) Prisoners; notification of tertiary care.

[HB 2280](#) (Carr) Use of body-worn camera system by law enforcement and other entities

[SB 756](#) (Black) Traffic light signal photo-monitoring systems; referenda

[SB 797](#) (Locke) Photo-monitoring systems; enforcement

[SB 845](#) (Stanley) Immunity for volunteer first; immunity from civil liability in an emergency

[SB 877](#)/[HB 1660](#) (Cosgrove)/(Rust) Recognition of EMS Personnel Licensure Interstate Compact; created

[SB 925](#) (Edwards) School zone speed limit photo-enforcement system

[SB 974](#) (Ruff) State police training; reduction in local law-enforcement funding.

[SB 1049](#) (McDougle) Regional jail construction and contracts; state reimbursement.

[SB 1158](#) (Garrett) Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.

[SB 1307](#) (Wexton) Search warrants; computers, networks, and other electronic devices.

[SB 1311](#) (Deeds) Notice required upon transfer of prisoner.

15. Taxation and Revenue

[HB 1291](#) (Ware) Real property tax; notice of assessments.

[HB 1378](#) (Yost) Real property tax; notice of assessments.

[HB 1483](#) (Rush) Real property assessment; valuation for land preservation

[HB 1489](#) (Habeeb) Local taxes; payment by a third party

[HB 1492](#) (Simon) Recordation tax; exemption of certain deeds

[HB 1589](#) (Krupika) Personal property; tax relief on certain motor vehicles leased by members of the military

[HB 1621](#) (Rush) Real property tax; notice of assessments

[HB 1711](#) (Yost) Real property tax; nonjudicial sale of certain tax-delinquent property.

[HB 1721](#) (Ramadan) Real property tax; exemption for surviving spouses of members of armed forces killed in action.

[HB 1762](#) (Watts) Retail sales and transient occupancy taxes on room rentals.

[HB 1949](#) (Poindexter) County food and beverage tax; referendum.

[HB 1966](#) (Rust) Local vehicle license fees and taxes.

[HB 2117](#) (Mason) Retail sales and transient occupancy taxes on room rentals.

[HB 2160](#) (Hugo) Sales and use tax exemption; computer equipment and software used in certain data centers.

[HJ 505](#) (Cole) Reforming Virginia's state and local tax structure; report.

[HJ 520](#) (Hope) Constitutional amendment; property tax exemption for nonprofit medical clinics serving the indigent

[SB 678](#) (Watkins) Real property tax; notice of assessments.

[SB 759](#) (Lucas) Transient occupancy tax; all counties authorizes to impose a tax of up to five percent.

[SB 784](#) (Lucas) Cigarettes; all localities allowed to impose a tax

[SB 796](#) (Lucas) County food and beverage tax; referendum requirement

[SB 872](#) (Cosgrove) Real property; explanation of increased assessment

[SB 887](#) (Peterson) Real property; tax on commercial and industrial property in certain localities

[SB 1031](#) (Watkins) Real property tax exemption; certain leasehold interests.

[SB 1141](#) (McDougle) Sales and use tax exemption; computer equipment and software used in certain data centers.

16. Transportation

[HB 1402](#) (Loupassi) Highway maintenance; payments to certain cities and towns

[HB 1407](#) (Lingamfelter) State secondary highways; allocation of funds

[HB 1412](#) (Morris) Weighing exemptions for vehicles owned by a locality

[HB 1470](#) (LaRock) Northern Virginia Transportation Authority; use of revenues

[HB 1501](#) (Carr) Highway maintenance; bases payments to cities and towns on lane-miles of highways

[HB 1510](#) (Ward) Hampton Roads Transportation Accountability Commission; population projection

[HB 1525](#) (Minchew) NVTa; Department of Taxation's costs in administering certain taxes

[HB 1529](#) (Berg) General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act.

[HB 1644](#) (Villanueva) Commonwealth Transportation Board membership; align with congressional districts

[HB 1662](#) (Rust) Transportation network companies

[HB 1886](#) (Jones) Public-Private Transportation Act; establishes requirement for finding of public interest.

[HB 1887](#) (Jones) Transportation; funding, formula, update annual reporting, and allocations.

[HB 1915](#) (LeMunyon) Northern Virginia Transportation Authority; regional plan.

[HB 1933](#) (Anderson) Transportation network companies; penalties.

[HB 1981](#) (Hugo) Transportation network companies.

[HB 1982](#) (Sullivan) Commonwealth Transportation Board voting.

[HB 2099](#) (Kearney) Use of certain revenues by the Northern Virginia Transportation Authority.

[HB 2164](#) (Hugo) Commonwealth Transportation Board membership.

[HB 2170](#) (Minchew) Northern Virginia Transportation Commission; Northern Virginia Transportation Authority.

[HB 2294](#) (Joannou) Public-Private Transportation Act of 1995; comprehensive agreements

[HB 2297](#) (Joannou) Public-private partnerships and the Hampton Roads Transportation Accountability Commission

[HJ 599](#) (Watts) Study; JLARC; highway construction allocations; report.

[HJ 601](#) (Villanueva) Study; JLARC; equity of funding for transportation programs; report.

[SB 792](#) (Carrico) Taking streets into secondary state highway system
[SB 921](#) (Wexton) Use of revenues by Northern Virginia Transportation Authority
[SB 1023](#) (Stuart) Transit funding in statewide prioritization; review of project prioritization.
[SB 1025](#) (Watkins) Transportation network companies.
[SB 1033](#) (Wexton) Northern Virginia Transportation Authority; membership composition.
[SB 1102](#) (Obenshain/Marsden) Transportation network companies.
[SB 1159](#) (Edwards) Life-cycle cost analysis of highway projects.
[SB 1216](#) (Stanley) Transportation network companies; penalties.
[SB 1274](#) (Barker) Allocation of funds for state highways.
[SB 1314](#) (Marsden) Northern Virginia Transportation Authority; regional plan.
[SJ 219](#) (Cosgrove) Constitutional amendment (first resolution) Transportation Funds.
[SJ 234](#) (Wexton) Dulles Greenway; JLARC to study feasibility of purchasing

17. Veterans

[HJ 557](#) (O'Bannon) Veterans Services, Department of; JLARC to study
[HB 1276](#) (Cox) Northern Virginia Veterans Care Center; funding of project.
[HB 1805](#) (Lindsey) Veteran Entrepreneurship Grant Fund and Program
[HB 2305](#) (Filler-Corn) Community services boards and behavioral health authorities; coordination of services for veterans
[SB 675](#) (Puller) Northern Virginia Veterans Care Center; funding of project.
[SJ 243](#) (Dance) Study; JLARC to study Department of Veterans Services; report.

18. BILLS MATCHING BOARD'S EXISTING POSITIONS

SUPPORT

[HB 1353](#) (Ramadan) Sex Offender and Crimes Against Minors Registry; supplement to registry.
[HB 1514](#) (Minchew) Composite index of local ability-to-pay; use value of real estate in certain localities.
[HB 1637](#) (Minchew) Virginia Public Procurement Act; design professional term contracts.
[HB 1966](#) (Rust) Local vehicle license fees and taxes.
[HB 2170](#) (Minchew) Northern Virginia Transportation Commission; Northern Virginia Transportation Authority. (Support but amended to a study)
[HB 2344](#) (Ramadan) Dulles Greenway; powers & responsibilities of SCC to regulate toll road operators.
[HB 2391](#) (Minchew) Allocation of highway funds by the Commonwealth Transportation Board.
[HJ 514](#) (Webert) Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report.
[HJ 532](#) (Lingamfelter) Virginia's workers' compensation system; JLARC to study
[HJ 590](#) (Ramadan) Tangible personal property tax relief; reimbursement payments to localities.
[HJ 635](#) (LaRock) Study; performance of the communications sales and use tax; report
[SB 803/HB 1531](#) (Favola)/(Minchew) Speed limits in school zones; counties allowed to increase or decrease
[SB 837](#) (Puller) Emergency medical services personnel; background checks; process.
[SB 934](#) (Wexton) Supplement to the Sex Offender and Crimes Against Minors Registry; Robby's Rule

[SB 997](#) (Stuart) Emergency medical services personnel; background checks; process.
[SB 1074](#) (McDougle) Supplement to the Sex Offender and Crimes Against Minors Registry.
[SB 1084](#) (Wexton) General Assembly districts; technical adjustments.
[SB 1091](#) (Vogel) Adjustment of the calculation of the local composite index for public school funding.

[SJ 288](#) (Vogel) Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report

OPPOSE

[HB 1293](#) (Morris) Stormwater fees; exemptions for religious groups.
[HB 1294](#) (Morris) Churches and other religious bodies; exemptions from all fees & taxes.
[HB 1352](#) (Ramadan) BPOL tax; deduction for amounts paid under subcontracts.
[HB 1410](#) (R. Marshall) Reduction in Motor fuels tax rate
[HB 1416](#) (Taylor) Real property tax assessment; appeal to circuit court
[HB 1540](#) (Albo) Virginia Public Procurement Act (VPPA); job order contracting and cooperative procurement
[HB 1849](#) (D.Marshall) Zoning appeals, board of; applications for variances.
[HB 2262](#) (Morris) Planning commissions; notice to applicants of preapproval requirements
[HB 2302](#) (Murphy) Full-day kindergarten program plans.
[HJ 597](#) (Hugo) Constitutional amendment (first resolution); real property tax exemption.
[SB 921](#) (Wexton) Use of revenues by Northern Virginia Transportation Authority.
[SB 1033](#) (Wexton) Northern Virginia Transportation Authority; membership composition.
[SB 1384](#) (Black) Certain industrial uses; transmission lines.

ATTACHMENTS:

Attachment 1.—February 9th Pending Legislation Memorandum

Attachment 2.—Ferguson Group, LLC Project Development Detail: February 12, 2015

**COUNTY OF LOUDOUN
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM**

DATE: February 9, 2015

TO: Members of the Board of Supervisors

FROM: John Sandy, Assistant County Administrator

SUBJECT: Decision Requested on Pending Legislation

PURPOSE: This requests your review and decision on legislation pending before the General Assembly.

BACKGROUND:

Please review the following legislation pending before the General Assembly. In accordance with Board of Supervisor approved policies in 1996, you will be contacted and polled for your position with respect to the draft motion on this important legislation affecting Loudoun County. A copy of this policy is available in County Administration. When contacted, you will be asked for one of the following positions with regard to the draft motion:

- (1). support;
- (2). oppose;
- (3). take no position; or
- (4). abstain from voting

This straw, or informal vote provides Hefty Wiley and Gore, PC direction in Richmond until the Board's next business meeting. Upon receiving the Board's collective position resulting from this informal poll, she always notifies any State legislators that the Board has not taken a formal position at a public session. The Board will take its official position on this bill as amended at your normal February 18, 2015 Business Meeting.

ACTION REQUESTED:

1. [SB 877](#) (Cosgrove) **Recognition of EMS Personnel Licensure Interstate Compact**

Summary as Introduced:

Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensuring of accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

Analysis:

SB 877 would permit Virginia to enter into a compact with other states in order to facilitate the day-to-day movement of EMS career and volunteer personnel across state borders in the performance of their EMS duties during periods of “non-declared” emergencies. This compact would enhance current capabilities provided under reciprocal mutual aid agreements.

As a matter of practice, EMS personnel from Loudoun County are routinely dispatched into Maryland and West Virginia to assist with patient care. While mutual aid agreements are in place to govern response out of Loudoun County, regulations for patient care and transport vary from state to state. Virginia currently does not have mutual aid agreements with other states which would allow EMS personnel to transport patients into other states under their Virginia EMS certification if the origin of the transport is in Virginia.

On August 13, 2014 the Council of State Governments (CSG) passed a resolution supporting the establishment of Recognition of EMS Personnel Licensure Interstate Compact (REPLICA). The resolution stated, “*the use of the interstate compact mechanism to address interstate emergencies and declared disasters is well established with interstate agreements such as the 50-state Emergency Management Assistance Compact and the regional Forest Fire Protection Compacts.*” Furthermore, “*The Council of State Governments (CSG), through its National Center for Interstate Compacts, and in partnership with the National Associations of State EMS Officials (NASEMSO), with the support of the U.S. Department of Homeland Security has facilitated the development of the Recognition of EMS Personnel Licensure Compact (REPLICA) as a 50-state solution to this challenging policy issue. The Council of State Governments supports the establishment of the Recognition of EMS Personnel Licensure Compact (REPLICA) and encourages its member jurisdictions to consider the new interstate agreement as an innovative policy solution to the challenge of interstate EMS personnel emergency and life-saving operations.*” In addition, attached is the full Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

The compact would clarify that EMS personnel are recognized to practice in other states that are members of the compact and help resolve the confusion concerning ability to practice, use of medical treatment protocols, medical direction, requirements to hold multiple EMS licenses/certifications, etc. Additionally, compacts are governed by the tenets of contract law and provide states an enforceable, sustainable and durable tool capable of ensuring permanent change, whereas mutual aid agreements, due to their local nature, are subject to vulnerability in these areas. According to the CSG, “under the terms of the new agreement, member states would agree to honor other jurisdictions’ licenses as long as the license is issued in another member state in a manner consistent with the new compact. The new compact also allows member states to self-regulate the existing system for licensing emergency medical personnel, while simultaneously promoting license portability.” Please note that System-chief Brower supports this bill and makes a similar recommendation to the Board of Supervisors.

DRAFT MOTION:

I move that the Board of Supervisors support SB 877 and similar legislation that if enacted would allow EMS personnel to provide care and transportation to patients outside of Virginia and allow other states to provide the same services to Virginians.

-or-

I move an alternate motion.

2. HB 1540 (Albo) Virginia Public Procurement Act (VPPA); Methods of Procurement; Job Order Contracting and Cooperative Procurement

Summary as Introduced:

Clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of providing professional architectural or engineering services that constitute the practice of architecture or the practice of engineering; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job and (b) no more than 25 percent of the construction cost, not to exceed \$60,000, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill removes the provision that allows a public body to discuss nonbinding estimates of total project costs, life-cycle costing, and, where appropriate, nonbinding estimates of price for services. The bill provides that negotiations may be held on proposed terms and conditions set out in the Request for Proposal. The bill also clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity; public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005; any state agency utilizing job order contracting; and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies working cooperatively, report their respective experiences and findings relating to (1) the appropriateness and effectiveness of job order contracting in general, (2) the project cost limitations set forth in subsections B and D of § 2.2-4303.1 as added by this bill, and (3) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments.

Analysis:

Professional services include accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering. Currently the law provides that public bodies cannot ask for price in proposals. The locality chooses candidates to interview based solely on qualifications. At the discussion stage, they ask for non-binding estimates of cost for the project. The proposals are then ranked and negotiations begin with the highest ranked vendor. Architects and engineers have requested this legislation that prohibits public bodies from asking for price information. Therefore, localities would be forced to rank and interview the candidates with no price information.

Staff believes removing non-binding cost estimates from the shortlist stage is likely not in the best interest for the use of public funds and not having the ability to review costs at the discussion stage is problematic for the procurement process. This new process could cause delays due to the inability to negotiate with more than one firm concurrently. The requirement to exhaust all negotiations with the apparent top ranked firm before moving to the next firm will add time and demand more resources.

It is important to note that Loudoun County government has never used pricing as the sole deciding factor in selection of an architectural/engineering firm, or any other professional service. The county's requests for proposals (RFPs) have always been structured so that cost is just one factor, and not necessarily the most heavily weighted. However, in an A/E RFP process where Loudoun receives approximately 20-30 proposals and any one of shortlisted firms is qualified to do the work, it is helpful to be able to have that nonbinding cost to include as part of the final decision making process. This is especially true when selecting multiple A/E firms for a task order contract. Furthermore, reviewing non-binding cost estimates during the shortlist stage can assist staff in determining if a firm has appropriately evaluated the scope of the project by including all necessary components in their fees.

DRAFT MOTION:

I move that the Board of Supervisors oppose HB 1540 and similar legislation that if enacted would prevent non-binding cost estimates from the shortlist stage for professional services procurements.

-or-

I move an alternate motion.

ACTION REQUESTED.—On those bills that where action is requested, Board members will be asked to do one of the following with respect to this motion on the preceding page:

1. support this motion;
2. oppose this motion;
3. take no position on this motion; and
4. abstain from a vote on this motion.

It is important to note that this same motion will be brought before you once again at your February 18, 2015 business meeting for an “official” position in accordance with the policies established by the Board of Supervisors in 1996.

If you have any questions, please do not hesitate to contact me. Thank you for your attention.

ATTACHMENTS:

[SB 877 \(Cosgrove\)](#)

[HB 1540 \(Albo\)](#)

cc: Tim Hemstreet, County Administrator
Jeff Gore, Hefty, Wiley, & Gore PC

15102646D

SENATE BILL NO. 877

Offered January 14, 2015

Prefiled January 7, 2015

A *BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, relating to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.*

Patron—Cosgrove

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 17, consisting of a section numbered 32.1-370, as follows:

CHAPTER 17.**RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT.****§ 32.1-370. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.**

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient-car-related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

- 1. Increase public access to EMS personnel;*
- 2. Enhance the states' ability to protect the public's health and safety, especially patient safety;*
- 3. Encourage the cooperation of member states in the areas of EMS licensure and regulation;*
- 4. Support licensing of military members who are separating from an active duty tour and their spouses;*
- 5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information;*
- 6. Promote compliance with the laws governing EMS personnel practice in each member state; and*
- 7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.*

SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse Action" means: any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means: a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means: the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means: the national administrative body of which all states that have enacted the compact are members.

F. "Emergency Medical Technician (EMT)" means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and

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59 *National EMS Scope of Practice Model.*

60 *G. "Home State" means: a member state where an individual is licensed to practice emergency*
61 *medical services.*

62 *H. "License" means: the authorization by a state for an individual to practice as an EMT, AEMT, or*
63 *paramedic or at a level in between EMT and paramedic.*

64 *I. "Medical Director" means: a physician licensed in a member state who is accountable for the care*
65 *delivered by EMS personnel.*

66 *J. "Member State" means: a state that has enacted this compact.*

67 *K. "Privilege to Practice" means: an individual's authority to deliver emergency medical services in*
68 *remote states as authorized under this compact.*

69 *L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of practice that*
70 *corresponds to that level in the National EMS Education Standards and National EMS Scope of*
71 *Practice Model.*

72 *M. "Remote State" means: a member state in which an individual is not licensed.*

73 *N. "Restricted" means: the outcome of an adverse action that limits a license or the privilege to*
74 *practice.*

75 *O. "Rule" means: a written statement by the interstate Commission promulgated pursuant to Section*
76 *12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or*
77 *provision of the compact; or is an organizational, procedural, or practice requirement of the*
78 *Commission and has the force and effect of statutory law in a member state and includes the*
79 *amendment, repeal, or suspension of an existing rule.*

80 *P. "Scope of Practice" means: defined parameters of various duties or services that may be provided*
81 *by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends*
82 *to represent the limits of services an individual may perform.*

83 *Q. "Significant Investigatory Information" means:*

84 *1. Investigative information that a state EMS authority, after a preliminary inquiry that includes*
85 *notification and an opportunity to respond if required by state law, has reason to believe, if proved true,*
86 *would result in the imposition of an adverse action on a license or privilege to practice; or*

87 *2. Investigative information that indicates that the individual represents an immediate threat to public*
88 *health and safety regardless of whether the individual has been notified and had an opportunity to*
89 *respond.*

90 *R. "State" means: any state, commonwealth, district, or territory of the United States.*

91 *S. "State EMS Authority" means: the board, office, or other agency with the legislative mandate to*
92 *license EMS personnel.*

93 *SECTION 3. HOME STATE LICENSURE*

94 *A. Any member state in which an individual holds a current license shall be deemed a home state for*
95 *purposes of this compact.*

96 *B. Any member state may require an individual to obtain and retain a license to be authorized to*
97 *practice in the member state under circumstances not authorized by the privilege to practice under the*
98 *terms of this compact.*

99 *C. A home state's license authorizes an individual to practice in a remote state under the privilege to*
100 *practice only if the home state:*

101 *1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT)*
102 *examination as a condition of issuing initial licenses at the EMT and paramedic levels;*

103 *2. Has a mechanism in place for receiving and investigating complaints about individuals;*

104 *3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant*
105 *investigatory information regarding an individual;*

106 *4. No later than five years after activation of the compact, requires a criminal background check of*
107 *all applicants for initial licensure, including the use of the results of fingerprint or other biometric data*
108 *checks compliant with the requirements of the Federal Bureau of Investigation with the exception of*
109 *federal employees who have suitability determination in accordance with US CFR §731.202 and submit*
110 *documentation of such as promulgated in the rules of the Commission; and*

111 *5. Complies with the rules of the Commission.*

112 *SECTION 4. COMPACT PRIVILEGE TO PRACTICE*

113 *A. Member states shall recognize the privilege to practice of an individual licensed in another*
114 *member state that is in conformance with Section 3.*

115 *B. To exercise the privilege to practice under the terms and provisions of this compact, an individual*
116 *must:*

117 *1. Be at least 18 years of age;*

118 *2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state*
119 *recognized and licensed level with a scope of practice and authority between EMT and paramedic; and*

120 *3. Practice under the supervision of a medical director.*

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

5. Other conditions as determined by rules promulgated by the Commission.

SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the Adverse Actions provisions of Section 8.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that

182 state based on the factual findings of another member state, so long as each state follows its own
183 procedures for imposing such adverse action.

184 F. A home state's EMS authority shall investigate and take appropriate action with respect to
185 reported conduct in a remote state as it would if such conduct had occurred within the home state. In
186 such cases, the home state's law shall control in determining the appropriate adverse action.

187 G. Nothing in this compact shall override a member state's decision that participation in an
188 alternative program may be used in lieu of adverse action and that such participation shall remain
189 non-public if required by the member state's laws. Member states must require individuals who enter
190 any alternative programs to agree not to practice in any other member state during the term of the
191 alternative program without prior authorization from such other member state.

192 **SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY**

193 A member state's EMS authority, in addition to any other powers granted under state law, is
194 authorized under this compact to:

195 1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of
196 witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the
197 attendance and testimony of witnesses, and/or the production of evidence from another member state,
198 shall be enforced in the remote state by any court of competent jurisdiction, according to that court's
199 practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS
200 authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service
201 statutes of the state where the witnesses and/or evidence are located; and

202 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in
203 the state.

204 **SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL**
205 **PRACTICE**

206 A. The compact states hereby create and establish a joint public agency known as the Interstate
207 Commission for EMS Personnel Practice.

208 1. The Commission is a body politic and an instrumentality of the compact states.

209 2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely
210 and exclusively in a court of competent jurisdiction where the principal office of the Commission is
211 located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents
212 to participate in alternative dispute resolution proceedings.

213 3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

214 B. Membership, Voting, and Meetings

215 1. Each member state shall have and be limited to one (1) delegate. The responsible official of the
216 state EMS authority or his designee shall be the delegate to this compact for each member state. Any
217 delegate may be removed or suspended from office as provided by the law of the state from which the
218 delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the
219 laws of the member state in which the vacancy exists. In the event that more than one board, office, or
220 other agency with the legislative mandate to license EMS personnel at and above the level of EMT
221 exists, the Governor of the state will determine which entity will be responsible for assigning the
222 delegate.

223 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and
224 creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of
225 the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The
226 bylaws may provide for delegates' participation in meetings by telephone or other means of
227 communication.

228 3. The Commission shall meet at least once during each calendar year. Additional meetings shall be
229 held as set forth in the bylaws.

230 4. All meetings shall be open to the public, and public notice of meetings shall be given in the same
231 manner as required under the rulemaking provisions in Section 12.

232 5. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

233 a. Non-compliance of a member state with its obligations under the compact;

234 b. The employment, compensation, discipline or other personnel matters, practices or procedures
235 related to specific employees or other matters related to the Commission's internal personnel practices
236 and procedures;

237 c. Current, threatened, or reasonably anticipated litigation;

238 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

239 e. Accusing any person of a crime or formally censuring any person;

240 f. Disclosure of trade secrets or commercial or financial information that is privileged or
241 confidential;

242 g. Disclosure of information of a personal nature where disclosure would constitute a clearly
243 unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law-enforcement purposes;
 i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;

7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;

8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

9. The Commission shall maintain its financial records in accordance with the bylaws.

10. The Commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

D. The Commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property real, personal, or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

305 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property
306 real, personal, or mixed;
307 9. To establish a budget and make expenditures;
308 10. To borrow money;
309 11. To appoint committees, including advisory committees composed of members, state regulators,
310 state legislators or their representatives, and consumer representatives and such other interested persons
311 as may be designated in this compact and the bylaws;
312 12. To provide and receive information from, and to cooperate with, law-enforcement agencies;
313 13. To adopt and use an official seal; and
314 14. To perform such other functions as may be necessary or appropriate to achieve the purposes of
315 this compact consistent with the state regulation of EMS personnel licensure and practice.

316 E. Financing of the Commission

317 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
318 establishment, organization, and ongoing activities.

319 2. The Commission may accept any and all appropriate revenue sources, donations, and grants of
320 money, equipment, supplies, materials, and services.

321 3. The Commission may levy on and collect an annual assessment from each member state or impose
322 fees on other parties to cover the cost of the operations and activities of the Commission and its staff,
323 which must be in a total amount sufficient to cover its annual budget as approved each year for which
324 revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated
325 based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon
326 all member states.

327 4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to
328 meet the same; nor shall the Commission pledge the credit of any of the member states, except by and
329 with the authority of the member state.

330 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and
331 disbursements of the Commission shall be subject to the audit and accounting procedures established
332 under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be
333 audited yearly by a certified or licensed public accountant, and the report of the audit shall be included
334 in and become part of the annual report of the Commission.

335 F. Qualified Immunity, Defense, and Indemnification

336 1. The members, officers, executive director, employees, and representatives of the Commission shall
337 be immune from suit and liability, either personally or in their official capacity, for any claim for
338 damage to or loss of property or personal injury or other civil liability caused by or arising out of any
339 actual or alleged act, error, or omission that occurred, or that the person against whom the claim is
340 made had a reasonable basis for believing occurred, within the scope of Commission employment,
341 duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any
342 such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional
343 or willful or wanton misconduct of that person.

344 2. The Commission shall defend any member, officer, executive director, employee, or representative
345 of the Commission in any civil action seeking to impose liability arising out of any actual or alleged
346 act, error, or omission that occurred within the scope of Commission employment, duties, or
347 responsibilities or that the person against whom the claim is made had a reasonable basis for believing
348 occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing
349 herein shall be construed to prohibit that person from retaining his or her own counsel, and provided
350 further that the actual or alleged act, error, or omission did not result from that person's intentional or
351 willful or wanton misconduct.

352 3. The Commission shall indemnify and hold harmless any member, officer, executive director,
353 employee, or representative of the Commission for the amount of any settlement or judgment obtained
354 against that person arising out of any actual or alleged act, error, or omission that occurred within the
355 scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis
356 for believing occurred within the scope of Commission employment, duties, or responsibilities, provided
357 that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton
358 misconduct of that person.

359 SECTION 11. COORDINATED DATABASE

360 A. The Commission shall provide for the development and maintenance of a coordinated database
361 and reporting system containing licensure, adverse action, and significant investigatory information on
362 all licensed individuals in member states.

363 B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a
364 uniform data set to the coordinated database on all individuals to whom this compact is applicable as
365 required by the rules of the Commission, including:

366 1. Identifying information;

2. Licensure data;
 3. Significant investigatory information;
 4. Adverse actions against an individual's license;
 5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
 6. Non-confidential information related to alternative program participation;
 7. Any denial of application for licensure and the reason(s) for such denial; and
 8. Other information that may facilitate the administration of this compact, as determined by the rules of the Commission.
- C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.
- D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.
- E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.
- SECTION 12. RULEMAKING**
- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
1. On the website of the Commission; and
 2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.
- E. The Notice of Proposed Rulemaking shall include:
1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 2. The text of the proposed rule or amendment and the reason for the proposed rule;
 3. A request for comments on the proposed rule from any interested person; and
 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.
- G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
1. At least twenty-five (25) persons;
 2. A governmental subdivision or agency; or
 3. An association having at least twenty-five (25) members.
- H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
 2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.
 4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- J. The Commission shall, by majority vote of all members, take final action on the proposed rule and

428 shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of
429 the rule.

430 K. If no written notice of intent to attend the public hearing by interested parties is received, the
431 Commission may proceed with promulgation of the proposed rule without a public hearing.

432 L. Upon determination that an emergency exists, the Commission may consider and adopt an
433 emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual
434 rulemaking procedures provided in the compact and in this section shall be retroactively applied to the
435 rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of
436 the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately
437 in order to:

438 1. Meet an imminent threat to public health, safety, or welfare;

439 2. Prevent a loss of Commission or member state funds;

440 3. Meet a deadline for the promulgation of an administrative rule that is established by federal law
441 or rule; or

442 4. Protect public health and safety.

443 M. The Commission or an authorized committee of the Commission may direct revisions to a
444 previously adopted rule or amendment for purposes of correcting typographical errors, errors in format,
445 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the
446 website of the Commission. The revision shall be subject to challenge by any person for a period of
447 thirty (30) days after posting. The revision may be challenged only on grounds that the revision results
448 in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the
449 Commission prior to the end of the notice period. If no challenge is made, the revision will take effect
450 without further action. If the revision is challenged, the revision may not take effect without the
451 approval of the Commission.

452 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

453 A. Oversight

454 1. The executive, legislative, and judicial branches of state government in each member state shall
455 enforce this compact and take all actions necessary and appropriate to effectuate the compact's
456 purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have
457 standing as statutory law.

458 2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative
459 proceeding in a member state pertaining to the subject matter of this compact which may affect the
460 powers, responsibilities, or actions of the Commission.

461 3. The Commission shall be entitled to receive service of process in any such proceeding and shall
462 have standing to intervene in such a proceeding for all purposes. Failure to provide service of process
463 to the Commission shall render a judgment or order void as to the Commission, this compact, or
464 promulgated rules.

465 B. Default, Technical Assistance, and Termination

466 1. If the Commission determines that a member state has defaulted in the performance of its
467 obligations or responsibilities under this compact or the promulgated rules, the Commission shall:

468 a. Provide written notice to the defaulting state and other member states of the nature of the default,
469 the proposed means of curing the default and/or any other action to be taken by the Commission; and

470 b. Provide remedial training and specific technical assistance regarding the default.

471 2. If a state in default fails to cure the default, the defaulting state may be terminated from the
472 compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and
473 benefits conferred by this compact may be terminated on the effective date of termination. A cure of the
474 default does not relieve the offending state of obligations or liabilities incurred during the period of
475 default.

476 3. Termination of membership in the compact shall be imposed only after all other means of securing
477 compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the
478 Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and
479 each of the member states.

480 4. A state that has been terminated is responsible for all assessments, obligations, and liabilities
481 incurred through the effective date of termination, including obligations that extend beyond the effective
482 date of termination.

483 5. The Commission shall not bear any costs related to a state that is found to be in default or that
484 has been terminated from the compact, unless agreed upon in writing between the Commission and the
485 defaulting state.

486 6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District
487 Court for the District of Columbia or the federal district where the Commission has its principal offices.
488 The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

489 C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

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HOUSE BILL NO. 1540

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 3, 2015)

(Patron Prior to Substitute—Delegate Albo)

A *BILL to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; negotiation of terms and conditions for architectural and engineering services.*

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable *proposed* contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. *Any proposed contractual terms and conditions for architectural or engineering services shall be subject to negotiations after a selection of the qualified architectural or engineering offeror has been made in accordance with this section;*

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body ~~may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services shall not request estimates of costs for professional services.~~ In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations, *including any negotiations of the proposed contractual terms and conditions for architectural or engineering services,* shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked

HOUSE SUBSTITUTE

HB1540H1

60 first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on
61 until such a contract can be negotiated at a fair and reasonable price.

62 Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the
63 Request for Proposal, a public body may award contracts to more than one offeror.

64 Should the public body determine in writing and in its sole discretion that only one offeror is fully
65 qualified or that one offeror is clearly more highly qualified and suitable than the others under
66 consideration, a contract may be negotiated and awarded to that offeror.

67 B. For multiple projects, a contract for architectural or professional engineering services relating to
68 construction projects, or a contract for job order contracting, may be negotiated by a public body,
69 provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly
70 identified in the Request for Proposal, and (iii) the contract is limited to a one-year term or when the
71 cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs
72 first.

73 Such contracts may be renewable for four additional one-year terms at the option of the public body.
74 The fair and reasonable prices as negotiated shall be used in determining the cost of each project
75 performed and the sum of all projects performed in a one-year contract term shall not exceed \$500,000,
76 except that for:

77 1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract
78 term shall not exceed \$1 million as may be determined by the Director of the Department of General
79 Services;

80 2. Any locality or any authority, sanitation district, metropolitan planning organization or planning
81 district commission with a population in excess of 80,000, or any city within Planning District 8, the
82 sum of all projects performed in a one-year contract term shall not exceed \$5 million and those awarded
83 for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects
84 shall not exceed \$1.5 million;

85 3. Architectural and engineering services for rail and public transportation projects by the Director of
86 the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term
87 shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the
88 option of the Director;

89 4. Environmental, location, design, and inspection work regarding highways and bridges by the
90 Commissioner of Highways, the initial contract term shall be limited to two years or when the
91 cumulative total project fees reach \$5 million, whichever occurs first. Such contract may be renewable
92 for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each
93 one-year contract term shall not exceed \$5 million; and

94 5. Job order contracting, the sum of all projects performed in a one-year contract term shall not
95 exceed \$2 million.

96 Competitive negotiations for such contracts may result in awards to more than one offeror provided
97 (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing
98 multiple projects among the selected contractors during the contract term.

99 C. For any single project, for (i) architectural or professional engineering services relating to
100 construction projects, or (ii) job order contracting, the project fee shall not exceed \$100,000, or for
101 architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation
102 projects, the project fee shall not exceed \$500,000, except that for:

103 1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be
104 determined by the Director of the Department of General Services;

105 2. Any locality or any authority or sanitation district with a population in excess of 80,000, or any
106 city within Planning District 8, the project fee shall not exceed \$2 million; and

107 3. Job order contracting, the project fee shall not exceed \$400,000.

108 The limitations imposed upon single project fees pursuant to this subsection shall not apply to
109 environmental, location, design, and inspection work regarding highways and bridges by the
110 Commissioner of Highways or architectural and engineering services for rail and public transportation
111 projects by the Director of the Department of Rail and Public Transportation.

112 D. For the purposes of subsections B and C, any unused amounts from the first contract term shall
113 not be carried forward to the additional term.

114 E. Multiphase professional services contracts satisfactory and advantageous to the completion of
115 large, phased, or long term projects may be negotiated and awarded based on a fair and reasonable price
116 for the first phase only, where the completion of the earlier phases is necessary to provide information
117 critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into
118 any such contract, the public body shall (i) state the anticipated intended total scope of the project and
119 (ii) determine in writing that the nature of the work is such that the best interests of the public body
120 require awarding the contract.

LOUDOUN COUNTY PROJECT DEVELOPMENT

Economic Development

1. General Service Administration's Per Diem Designation

Issue:

Prior to 2007, Loudoun County was included in the Washington, DC per diem non-standard rate area (NSA), which includes the District of Columbia; the counties of Arlington and Fairfax and the cities of Alexandria, Arlington, Falls Church, and Fairfax in Virginia; and the counties of Montgomery and Prince George's and the cities of Bladensburg, Bowie, College Park, Gaithersburg, Greenbelt, Rockville, and Takoma Park in Maryland. After GSA removed Loudoun County from the Washington, DC per diem NSA, the County saw a severe reduction of its per diem rate. In 2014, for example, the per diem rate for Loudoun County was \$105 versus the Washington DC rate of \$219. Loudoun County's rate will drop again to \$96, effective October 1, 2015. This has cost Loudoun County hotels nearly \$360 million in revenue since 2007, and \$34 million in lost sales tax revenue for Loudoun County and the Commonwealth. There is also lost property tax and payroll tax revenue.

Response/Action

In late 2014 an effort was made to have Senator Barbara Mikulski include the language below in the omnibus bill:

Purpose

The Purpose of this subpart is to modify the General Services Administration's Washington, DC, Non-Standard Rate Area to align with Metropolitan Washington Council of Governments (COG) region; a region defined by one economy and a shared transportation infrastructure.

The Office of Government-wide Policy for the General Services Administration, Travel Management Policy, defines the Washington, DC, Non-Standard Rate Area (NSA) as the District of Columbia; Montgomery County, MD; Prince Georges County, MD; the cities of Bladensburg, MD; Bowie MD; College Park, MD; Gaithersburg, MD; Greenbelt, MD; Rockville, MD; Takoma Park, MD; Fairfax County, VA; Arlington County, VA; the cities of Alexandria, VA; Arlington, VA; Fairfax, VA and Falls Church, VA.

The adjustment to include Charles County, MD; Frederick County, MD; the city of Frederick, MD; Loudoun County, VA; Prince William County, VA; as well as the cities of Manassas and Manassas Park, VA will create a more accessible, sustainable, prosperous, and livable National Capital Region.

Potential Options:

- Continue with Mikulski strategy to add jurisdictions through Congressional direction to GSA in the appropriations process.
- Streamline federal agency designations for the National Capital Region (DHS statutory definition of NCR includes Loudoun County).
- Add Dulles area only as it is now directly connected to the communities in the DC NSA by rail; portions of the County touch Route 28 and the toll road corridor.

Primary Contacts

Beth Erickson, Visit Loudoun

Buddy Rizer, DED

Jill Denning, GSA Per Diem Program Manager (jill.denning@gsa.gov/ 202.208.7642)

2. Perimeter Rule

Issue

The current rule for DCA: No non-stop flights outside of a 1,250 mile perimeter, but a number of slot exemptions have been granted legislatively.

There was a GAO report that recommended eliminating the perimeter rule altogether. Further expansion of the perimeter rule and additional slot exemptions would severely impact IAD.

Response/Action

- Hold existing perimeter/slot exemption rule.
- Work with MWAA and COG to maintain existing rule.
- Work with Congressional Delegation on upcoming FAA Reauthorization, which expires September 30, 2015. (Senator Warner, in particular.)

Primary Contacts

Buddy Rizer, DED

Richard Bensinger, DED

Jack Potter, CEO, MWAA

Phil Mendelson, Chair of TPB, MWCOC

Chairman York, Loudoun County representative to TPB

3. Agricultural Development/Agri-Business

Issue

There are increased FDA regulations on food for human consumption, and FDA uses a one size fits all approach. This is burdensome to small-scale growers in Loudoun County.

Response/Action

- Regulations should be scaled and based on the size of the operation.
- Get materials from VA Agri-Business Council; support advocacy efforts.
- Inform Congressional Delegation and FDA of the County's concerns and determine the best method for addressing the issue (whether it's the next Farm Bill, appropriations bill, other).

Other Agriculture Issues

Monitor funding opportunities

- Brewery development
- Beginning Farmer Program
- Small business and entrepreneurship
- Support funding for National Heritage Area – Journey Through Hallowed Ground
- Farmers market – support year-round farmers market feasibility study

*TFG will provide to Loudoun County a USDA Grant/Loan Funding Guide for projects/needs discussed. County staff expressed interest in funding programs that support **rural broadband**, community facilities and rural business development.

Primary Contacts

Buddy Rizer, DED

Kellie Boles, DED

4. Visa and Work Permits

Issue

Loudoun County is losing business due to the long and consistent delays in the U.S. Citizenship and Immigration Service's visa process. This delay creates a barrier to foreign companies that want to establish themselves here, but cannot bring their specialists and senior executives to develop the business. Encouraging expedience encourages foreign businesses to invest in the U.S.

Response/Action

- Work with the Congressional Delegation and the Department of Commerce to advocate expedience at the USCIS. (Potential ally: Aaron Brickman - Deputy Executive Director, SelectUSA)

Primary Contacts

Buddy Rizer, DED
Steve Hargan, DED
Rick Morris, DED

Transportation

1. Transportation Reauthorization

Issue

Support a 6-year reauthorization of MAP-21 (current two-year surface transportation authorization bill expires in May 2015) to facilitate adequate highway and transit project planning and implementation. Support an authorization bill that directs more funds to metropolitan planning organizations (NCR Transportation Planning Board).

Response/Action

- Advocate priorities to the County's Congressional Delegation, Congressional committees of jurisdiction and USDOT.
- Note: Representative Barbara Comstock sits on the House Transportation and Infrastructure Committee's Highways and Transit Subcommittee, and Senator Mark Warner sits on the Senate Banking Committee's Housing, Transportation, and Community Development Subcommittee.

2. TIGER Grant

Issue

Secure funding for Loudoun County Multimodal Hubs through a TIGER VI grant application.

Response/Action

- TFG coordinated a debrief with the U.S. DOT's TIGER Office and will help in the development of the next TIGER grant application.

Note on Matching Requirement

The federal government will pay up to 80% of the total project cost. Providing more than a 20% non-federal cost share makes projects more competitive. Priority is also given to projects for which federal funding is required to complete an overall financing package.

3. WMATA Funding

Issue

Dedicated federal funding for Metro expires in 2020. Loudoun County supports an increased and continued federal funding stream to WMATA.

Response/Action

- Support WMATA's efforts to secure funding through the transportation reauthorization and beyond.
- Organize advocacy efforts with lobbying firms that represent WMATA communities.

4. MWAA Board

Issue

There are no elected officials from member-area communities on the MWAA Board of Directors. Loudoun County supports inclusion of local government representatives on the MWAA Board, such as the Loudoun County Board Chair.

Response/Action

This was an issue raised by Chairman York; need to determine if it will be part of the federal program before recommending next steps.

Other Transportation Issues/Needs to Monitor

- Park and Ride near capacity
- Congestion
- Commuter Bus Fleet after Silver Line completion; need transition plan
- **Funding for ADA-compliant bus stops (HUD Section 108 loan)**
- **Funding to replace VRT, demand response service – para-transit, in eastern part of County without federalizing County's service (HUD Section 108 loan)**
- Distance-based tolling along greenway
- Economic development in rural areas of County
- Funding for a mobility manager
- **Funds for signalization prioritization in emergencies, signal pre-emption**
 - can use CMAQ or Assistance to Firefighter Grant funds
- Support Qualified Public Infrastructure Bonds (QPIB)
- WMATA competes with Loudoun County for State and federal funding

Primary Contacts

Joe Kroboth, DTCI

Terrie Laycock, DTCI

Bob Brown, DTCI

Kathleen Leidich, DTCI

Paul Mounier, DTCI

Fire, Rescue and Emergency Management

1. FY 2015-2016 Appropriations and Competitive Grants

Issue

Loudoun County supports increased funding for the DHS UASI Program and the FEMA Grants Programs, which would address the County's system infrastructure, equipment and maintenance needs.

Response/Action

- Provide support to the department for UASI grant funds that are necessary for sustainability and maintenance.
- Advocate funding for priority programs in the Budget and Appropriations processes.
- Pursue discretionary grant opportunities for department needs, including the SAFER grant, Fire Prevention and Safety Grant, and the Assistance to Firefighter Grant program.
 - \$6 to \$7 million needed for self-contained breathing apparatus (SCBA); could apply in the next AFG round. (County needs require 617 SCBAs.)
 - \$200,000 needed for Total Contaminated Vessel; could apply in the next AFG round.
 - \$500,000 needed for wellness center; could apply in the next FP&S round.

Note on Matching/Grant Continuation Requirements

SAFER: No match; 2-year continuation

AFG: 10% match; no continuation

FP&S: 5% match; no continuation

2. Building Safety

Issue

Although there are requirements for homebuilders to build fire-safe homes, additional support is needed to modify codes to allow for local adoption of modification to Virginia code to mandate residential sprinklers, carbon monoxide detectors and fireproof siding. New commercial construction requires certain fire-safe measures, like sprinkler systems, but they are not in many older structures. New model building codes require in-house residential sprinklers, but those codes will not be enacted in the Commonwealth.

Response/Action

Support incentive-based legislation and local options, like the Fire Sprinkler Incentive Act, that strengthens tax incentives for building owners to utilize fire-safe measures

3. Volunteer First Responders

Issue

Due to increasing challenges attracting new fire and rescue volunteers, local governments must have access to tools that incentivize recruitment and retention of volunteer first responders. One tool, the Length of Service Award Program (LOSAP), is unnecessarily difficult for departments to administer because there are several very technical problems with the way that LOSAPs are treated under the tax code.

Response/Action

Support reintroduction and passage of the Volunteer Emergency Services Recruitment and Retention Act that would simplify administration of LOSAPs. Support passage of the Volunteer Responder Incentive Protection Act, which exempts property tax benefits provided to volunteer fire and EMS personnel by state and local governments, and also exempts the first \$600 per year of any other type of benefit received by those volunteers (*e.g.* awards/appreciation dinner, memorabilia, small payments for service).

Issue

The County's Employee Assistance Program that could provide mental health support to volunteer first responders should not be considered a "health plan" under the Affordable Care Act.

Response/Action

Work with the congressional delegation and the IRS to ensure that the County's Employee Assistance Program can be offered to volunteers without being considered a health plan under the ACA.

4. Environmental Regulations

Issue

Environmental regulations and standards could have significant impacts on fire and life safety service delivery.

Response/Action

Regulations and standards require continual monitoring. For example, proposed emissions regulations will require the addition of a urea tank on fire apparatus, which would significantly impact service delivery. In addition to the cost of installing these tanks, the modification will reduce effective horsepower by 50%. Reduced horsepower will also reduce firefighters' ability to pump water on the fire.

Primary Contacts

Chief Keith Brower

Mary Maguire, DFREM

Assistant Chief Keith Johnson, DFREM

Assistant Chief Matthew Tobia, DFREM

Sheriff's Office, Community Corrections, Courts and Public Records

1. Sheriff's Office: Body Cameras

Issue

There are complex issues related to body cameras. First, while the actual cameras are not notably expensive, storage and management of the data certainly is. For example, to store data from 360 cameras in New Orleans for five years will cost ~\$1 million. There is no federal or state policy on how long information must be kept (although the Northern Virginia Chiefs and Sheriffs have recommended a policy/protocol). There are also significant issues related to discovery, privacy and Freedom of Information Act (FOIA) requests.

Response/Activity

- Communicate concerns to the County's Congressional Delegation and directly to DOJ.
- Work with regional and national groups to oppose unfunded mandates from the federal government related to body cameras and resulting storage needs.
- Support increased and continued funding for JAG funds (used by the County to purchase 37 body cameras).

2. Sheriff's Office: Asset Forfeiture

Issue

On January 16, 2015, Attorney General Eric Holder issued an Order that bars local and state law enforcement from using federal law to seize cash, cars and other property without warrants or criminal charges. The "Equitable Sharing" program has enabled local and state law enforcement to make seizures and then have them "adopted" by federal agencies, which share in the proceeds. It allowed local and state law enforcement and drug task forces to keep up to 80 percent of the proceeds of adopted seizures, with the rest going to federal agencies.

Response/Activity

- Communicate to the County's Congressional Delegation and directly to DOJ how much legitimate drug money was seized over the past 30 years or some other definitive period of time; how taking assets destroys organizations involved in illegal activity; and how much of a benefit the asset forfeiture program has been for local law enforcement. (Based on recommendation from Sheriff Chapman.)
- Work with regional and national groups to communicate this message.
- TFG working with Sheriff Chapman on a White Paper detailing the issue and implications.

Primary Contacts

Sheriff Michael Chapman

Jessica Shugars, LCSO

Jim Plowman, Commonwealth's Attorney

Jim Freeman, Community Corrections

3. Clerk of Circuit Court: Technology and Interoperability

Issue

- There is currently no digital interoperability between agencies, like law enforcement, community corrections and the courts. The Loudoun County Clerk of Circuit Court would like to be a national model for creating a digital interface between these agencies.
- A kiosk system for fees (court, probation, etc.) would improve efficiencies at the Court.

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.
- Meet with DOJ staff to discuss project ideas.

Primary Contact

Gary Clemens, Clerk of the Circuit Court

*TFG will provide to Loudoun County a Grant/Loan Funding Guide for public safety, law enforcement and judicial system projects/needs. The Sheriff and County staff expressed interest in funding programs that address law enforcement technology needs, gangs, substance abuse, re-entry, recidivism, electronic monitoring, law enforcement education, crisis intervention training, mental health training, forensic labs, and domestic abuse.

Environment, Energy and Water Resources

1. Superfund

Issue

Loudoun County has a Superfund site – Hidden Lane – which was added in 2008. EPA is undertaking treatability studies as part of the Superfund's Feasibility Study.

Communications with EPA could be improved, and the County is concerned that EPA is further along in adopting cleanup methodology, which will limit the County's capacity to respond. The next step in the Superfund Process will be EPA issuing a Proposed Plan of Remedial Action. This step will have a limited time period for public comment. Thus, Loudoun County is best served providing comments to EPA on a regular basis prior to the issuance of Proposed Plan.

Response/Action

- TFG to provide guidance and recommended strategies for improving communication and information sharing with EPA.
- TFG to advise the County on EPA Superfund programmatic issues and site-specific issues.

2. Chesapeake Bay WatershedIssue

In 2009, the President signed an Executive Order regarding the Chesapeake Bay that mandates the federal government lead the effort to restore and protect this water resource. A federal leadership committee was established to oversee the development and coordination of reporting, data management and other activities.

EPA Headquarters and Region III are motivated to realize water quality improvement in the Chesapeake Bay Watershed. EPA has worked with state and local governments in the watershed to develop a Watershed Implementation Plan (WIP) that charts a course for environmental improvement. In the absence of measureable improvement, the agency is prepared to take necessary actions in all jurisdictions for insufficient WIP implementation or pollution reductions. Federal actions can be taken at any time, although EPA will engage particularly during two-year milestones, the 2017 midpoint assessment, and Phase III WIP development. Potential actions include:

- Expanding coverage of NPDES permits to sources that are currently unregulated.
- Increasing oversight of state-issued NPDES permits.
- Requiring additional pollution reductions from federally regulated sources.
- Increasing federal enforcement and compliance.
- Prohibiting new or expanded pollution discharges.
- Redirecting EPA grants.
- Revising water quality standards to better protect local and downstream waters.
- Discounting nitrogen, phosphorus and sediment reduction progress if a jurisdiction cannot verify proper installation and management of controls.

Loudoun County must meet EPA and VA DEQ surface water quality criteria through MS4 and NPDES permits. Loudoun County estimates that the cost to meet the Chesapeake Bay TMDL pollution reduction requirements of its MS4 permit is \$20M. The overall fiscal impact to the County for meeting the Phase II WIP pollution reduction goals is estimated to be \$180M (in 2012 dollars). The agricultural sector has the most cost-effective Best Management Practices for meeting local pollution reduction goals.

Pursuant to Clean Water Act Section 319(h), EPA provides funds to designated state and tribal agencies to implement their approved nonpoint source management programs.

USDA also provides funding and technical assistance to public and private sectors on conservation measures.

Response/Action

- TFG will track EPA regulatory actions with respect to the WIP for Loudoun County.
- TFG will provide advice and advocacy to Loudoun County on TMDL and MS4 issues.
- TFG will transmit and advise of EPA, State and foundation grant opportunities.

3. Waters of the U.S.

Issue

In 2014, the EPA and the Corps of Engineers released a new proposed rule that could expand the range of water bodies that fall under federal Clean Water Act jurisdiction. The proposed rule was open for public comment, and those comments are currently under review. There is also significant interest from Members of Congress that see this as federal overreach and have introduced legislation essentially barring the EPA from implementing the rule.

Response/Action

TFG will send to the County our initial report on the rule and draft comments, and keep staff informed of the legislative response and the ongoing regulatory process.

4. Water/Wastewater Infrastructure

Issue

There are approximately 35 communities in the County that have or potentially have failing or inadequate water and/or wastewater systems, such as failing septic systems, outhouses, contaminated wells, etc. The eastern portion of the County is primarily served by public water and sewer while the western portion utilizes wells and septic systems. In most cases, communities are unable to resolve their water and wastewater issues without significant resources from the government.

Response/Action

- Communicate this problem to the County's Congressional Delegation and directly to USDA.
- Explore grant funding opportunities, such as EPA Chesapeake Bay Grants, EPA CWA revolving loan funds, Wildlife Habitat Incentive Program, USDA Water & Waste Disposal Loan & Grant Program and others.

5. FEMA Flood Mapping

Issue

The County's flood plain mapping is nearly complete, and now the County needs to amend the floodplain ordinance and revise its proactive management tools.

Response/Action

- TFG to keep the County informed on Administrative flood mapping issues.
- The County could consider engaging with the voluntary Community Rating System (CRS), which may be helpful given the potential costs to residents of flood insurance as rates rise to market.

Primary Contact

Alan Brewer, DGS

Human Services

1. Disability Services: Transit

Issue

A transit mobility and needs assessment showed that many bus stops and sidewalks in the County are not ADA compliant. Transit options are limited for handicapped individuals.

Additional Background Information

There are 8 fixed routes, primarily along the Dulles/Rte. 7 Corridor. Para-transit runs $\frac{3}{4}$ of a mile around a fixed route. Additionally, there is a draft taxi ordinance; but without an ordinance, taxi options are also limited.

Response/Action

- The County could apply HUD Section 108 loan funds toward paratransit needs (see transportation section above).
- Bill Ferguson provided a Section 108 fact sheet to local staff.

2. Disability Services: Housing

Issue

There is a need for accessible housing in the County. Universal design elements should be either integrated into the building code or otherwise incentivized for residential builders.

Response/Action

- Research federal housing funds for accessible units.
- Support tax credits to builders who implement universal design elements.

3. Disability Services: Websites

Issue

By March 2015, all federal agency websites must be fully accessible. It is possible that all recipients of federal funds will also have to make their websites fully accessible.

Response/Action

Support federal funds for training and software upgrades to avoid an unfunded federal mandate to make websites accessible.

Primary Contacts

Paul Mounier, DTCI

Catherine Motivans, Public Affairs and Communications

4. Family Services: Housing and Homeless Prevention

Issue

- Loudoun County supports continued increased funding for HUD's Housing Choice Voucher program in FY 2016 Budget and Appropriations. The County secures approximately \$9 million in federal funding from HUD's Housing Choice Voucher Program. With those funds, 623 vouchers are being used and there are 650 people on a wait list. The average annual income for voucher holders is \$6,800.
- Loudoun County supports continued and increased funding for HUD's Community Development Block Grant (CDBG) program. The County secures approximately \$1 million annually in CDBG funds.
- Loudoun County supports continued and increased funding for HUD's Emergency Solutions Grant (ESG) program. The County secured \$200,000 from the Virginia Department of Housing and Community Development.
 - There are currently and steadily less than 200 homeless people in Loudoun County over the past 10 years; 179 at last count.
- Loudoun County supports continued and increased funding for HHS's Safe and Stable Families Grant program.

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.
- Support grant activity by non-profit partners.

Primary Contacts

Ellen Grunewald, DFS

Sarah Coyle, DFS

5. Mental Health, Substance Abuse and Developmental Services

Issue

Loudoun County secures annual funds from the Substance Abuse and Mental Health Administration (SAMSHA).

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.

Primary Contacts

Joe Wilson, MHMRSADS

Beth Shockley, MHMRSADS

6. Health Department: FY 2015-2016 Appropriations and Competitive Grants

Issue

Loudoun County Health Department administers a sizeable WIC program. The program was shut down for a period of time due to lack of funds as a result of sequestration. LC Health Department is a beneficiary of UASI funds. The Health Department is also interested in grant opportunities related to Lyme disease.

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.

7. Health Department: Cost Recovery in Public Health Emergencies

Issue

Dulles Airport was one of five domestic airports receiving flights with passengers from Africa that were stricken with Ebola. The Loudoun County Health Department was the lead agency in the quarantine section of the airport. The County is interested in cost recovery grants, and grants from the CDC related to communicable diseases. Note - LC Health Department is one of 42 of the nation's 2,700 public health programs that are accredited.

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.

Primary Contacts

David Goodfriend, Health

Regan Mahoney, Health

8. Parks, Recreation and Community Service: FY 2015-2016 Appropriations and Competitive Grants

Issue

- There is a significant population of school-age kids in the County that cannot afford after-school programs. Loudoun County supports funds for federal programs that help communities provide after-school programs at low- to no-cost for underprivileged families.
- The County wants to build trails in and around the Heritage Area.

Response/Action

- Advocate funding for priority programs in the Budget and Appropriations processes.
- Provide grants support, including congressional support for competitive grant applications.
- Work with DTIC to access Transportation Alternatives Program or CMAQ funds for the trails.

9. Parks, Recreation and Community Service: Volunteer Background Checks

Issue

Volunteers at recreational programs throughout the County are not required to get a background check. The County needs a background check policy for these volunteers, and funds to help pay for the check.

Primary Contacts

Steve Torpy, PR&CS

Karen Sheets-Gayheart, PR&CS

Fiscal Priorities

1. Support preservation of tax-exempt municipal bonds.
2. Support proposal to create Qualified Public Infrastructure Bonds.
3. Support reintroduction and passage of the Marketplace Fairness Act.